

AMENDED IN SENATE JULY 16, 2003

AMENDED IN ASSEMBLY MAY 6, 2003

AMENDED IN ASSEMBLY MARCH 27, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1400

Introduced by Assembly Member Wolk
(Coauthor: Assembly Member Nunez)
(Coauthor: Senator Romero)

February 21, 2003

An act to add Section 17959.6 to the Health and Safety Code, relating to housing.

LEGISLATIVE COUNSEL'S DIGEST

AB 1400, as amended, Wolk. Housing: accessibility.

(1) The existing State Housing Law requires the Department of Housing and Community Development, in consultation with specified state agencies, to develop guidelines and at least one model ordinance for new construction and home modifications that are consistent with particular principles of universal design or other similar design guidelines to enhance housing for, among others, persons with disabilities. Commencing January 1, 2005, a city, county, or city and county may, by ordinance, modify code requirements if it determines that it is reasonably necessary and substantially the same as the guidelines or model ordinance. Existing law also encourages developers of housing for senior citizens, persons with disabilities, and others, in a city or county where a universal design ordinance has not been adopted, to seek information regarding the principles of universal

design, and authorizes the California Department of Aging, in partnership with specified entities, to develop and provide consumer advice regarding home modification for seniors and persons with disabilities.

This bill would, within the State Housing Law, require a developer of any new residential housing development, *beginning 90 days after the Department of Housing and Community Development adopts a standard form, but no sooner than July 1, 2004*, to provide a buyer a list of specified *universal accessibility* features that would make the home entrance, *interior routes of travel*, kitchen, and bathrooms, fully accessible to persons with disabilities. ~~The bill would require that the list include specified information about the availability of the features. The bill would further provide that these provisions may not be construed to require a developer to provide the features.~~ It would provide that a willful violation of these provisions shall be punishable by a civil penalty of \$500. Because a violation of the State Housing Law is a misdemeanor under other provisions, the bill would create a state-mandated local program by creating a new crime. *The bill would authorize the Department of Housing and Community Development to adopt implementing regulations and to develop a standard form providing the information required by the bill.*

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 17959.6 is added to the Health and
- 2 Safety Code, to read:
- 3 17959.6. (a) *A Ninety days after the Department of Housing*
- 4 *and Community Development certifies and makes available a*
- 5 *standard form pursuant to subdivision (h), but in no event sooner*
- 6 *than July 1, 2004, for housing developments for which a building*
- 7 *permit application is submitted on or after that date, a developer*
- 8 *of any new for-sale residential housing development, including,*

but not limited to, a single family dwelling, duplex, triplex, townhouse, condominium, or other homes, shall ~~establish, maintain, and~~ provide to a buyer a list of universal accessibility features that would make the home entrance, *interior routes of travel*, the kitchen, and the bathrooms fully accessible to persons with disabilities. The list shall include, but not be limited to, the following:

(1) ~~General adaptations:~~

(A) ~~An accessible path of travel to the dwelling.~~

(B) ~~A maximum one-half inch vertical change in level at thresholds.~~

(C) ~~Thirty-two inch clear space for interior doors.~~

(D) ~~Strike edge clearance at doors (18 inches for interior doors and 24 inches for exterior doors).~~

(E) ~~Lever door hardware.~~

(F) ~~An entry door sidelight or high or low peephole viewer.~~

(G) ~~A doorbell at 48 inches maximum height in an accessible location.~~

(H) ~~Visual fire alarms and visual doorbells.~~

(I) ~~Switches, outlets, and thermostats at 15 inches to 48 inches above the floor.~~

(J) ~~Rocker light switches.~~

(K) ~~Closet rods and shelves adjustable from 3 feet to 5 feet 6 inches high.~~

(L) ~~A residential elevator or lift.~~

(2) ~~Kitchen adaptations:~~

(A) ~~A 30 inch by 48 inch clear space at appliances or a 60 inch diameter clear space.~~

(B) ~~Removable base cabinets at the sink.~~

(C) ~~Repositioning countertop height to 28 inches.~~

(D) ~~Lever controls at kitchen sink faucet.~~

(E) ~~Base cabinets with pullout shelves.~~

(F) ~~Base cabinets with Lazy Susans.~~

(G) ~~Contrasting color edge border at countertops.~~

(H) ~~A microwave oven at countertop height.~~

(I) ~~Under cabinet task lighting.~~

(3) ~~Bathroom adaptations:~~

(A) ~~Installation of grab bar backing in walls.~~

(B) ~~Installation of grab bars.~~

(C) ~~A 5-foot diameter turning circle.~~

- 1 ~~(D) A 36 inch by 36 inch or 30 inch by 48 inch clear space.~~
2 ~~(E) Lavatory with lever faucet controls.~~
3 ~~(F) An open front lavatory with knee space and protection~~
4 ~~panel.~~
5 ~~(G) Contrasting color edge border at countertops.~~
6 ~~(H) Antiscald devices on all plumbing fixtures.~~
7 ~~(I) A 17 inch to 19 inch high water closet seat.~~
8 ~~(J) A roll-in shower in lieu of standard tub or shower.~~
9 ~~(K) A shower stall with 4 inch lip in lieu of a standard tub.~~
10 ~~(L) An adjustable hand-held showerhead.~~
11 ~~(b)~~
12 *(b) (1) (A) The list shall include the features described in*
13 *paragraphs (2) to (7), inclusive, and any others that the developer*
14 *deems necessary or appropriate to effectuate the purposes of this*
15 *section.*
16 *(B) To the extent that any of the features described in*
17 *paragraphs (2) to (7), inclusive, are included in Chapter 11A of the*
18 *California Building Code (Part 2 of Title 24 of the California Code*
19 *of Regulations), they shall be listed consistent with, and shall be*
20 *installed in a manner at least consistent with, that chapter. A*
21 *developer that lists and installs materials and features in a manner*
22 *at least consistent with Chapter 11A or successor chapters of the*
23 *California Building Code, shall be deemed to be in compliance*
24 *with the requirements of this subparagraph. Other features shall*
25 *be listed and installed in a manner appropriate to effectuate the*
26 *purposes of this section.*
27 *(C) Notwithstanding subparagraph (B), the developer and*
28 *buyer may agree in writing to different standards than those*
29 *provided in subparagraph (B) if the different standards and their*
30 *deviation from the standards in subparagraph (B) are clearly*
31 *disclosed.*
32 *(2) General external adaptations:*
33 *(A) Accessible route of travel to the dwelling unit.*
34 *(B) Accessible landscaping of the side and rear yards.*
35 *(C) Accessible route from the garage or parking area to the*
36 *dwelling unit primary and secondary entries.*
37 *(3) Doors, openings, and entries:*
38 *(A) Accessible primary front door, doorway, and threshold.*
39 *(B) Accessible interior doors and doorways.*

- 1 (C) Accessible secondary exterior doors, doorways, and
- 2 thresholds.
- 3 (D) Accessible levered handles on all specified doors.
- 4 (E) An entry door sidelight or high and low peep hole viewers.
- 5 (F) Visual fire alarms and visual doorbells.
- 6 (G) Accessible sliding glass door.
- 7 (4) General interior adaptations:
- 8 (A) Accessible routes to at least one bedroom, bathroom, and
- 9 kitchen from the primary entrance.
- 10 (B) Accessible switches, outlets, and thermostats.
- 11 (C) Visual fire alarms and visual doorbells.
- 12 (D) Rocker light switches.
- 13 (E) Closet rods and shelves adjustable from three feet to five
- 14 feet six inches high.
- 15 (F) A residential elevator or lift.
- 16 (G) If provided, a service porch with accessible workspace,
- 17 cabinets, and appliances.
- 18 (5) Kitchen:
- 19 (A) Adequate accessible clear floor space at appliances.
- 20 (B) Repositionable sink and countertop work spaces.
- 21 (C) Accessible cabinets and drawers, including pullout
- 22 shelves, bread boards, and Lazy Susans.
- 23 (D) Accessible sink features and controls.
- 24 (E) Accessible built-in or provided appliances, including
- 25 refrigerator, stove, oven, dishwasher, and countertop microwave
- 26 or convection oven.
- 27 (F) Enhancements such as a contrasting color edge at
- 28 countertops, contrasting floor designs marking accessible routes
- 29 and work areas, antiscald device on plumbing fixtures, and
- 30 undercabinet lighting.
- 31 (6) Bathrooms and powder rooms (applicable to one or more
- 32 bathrooms, at the option of the buyer):
- 33 (A) Grab bar backing and grab bars in all requested locations.
- 34 (B) Accessible clear floor space and turning circles.
- 35 (C) Accessible sink (lavatory) with adequate knee space and
- 36 protection.
- 37 (D) Accessible toilet (water closet).
- 38 (E) Accessible roll-in shower in lieu of a standard tub or
- 39 shower.



1 (F) Accessible faucet handles and an adjustable handheld
2 shower head.

3 (G) Enhancements such as a contrasting color edge at
4 countertops, contrasting floor designs marking accessible routes
5 and work areas, and antiscald device on plumbing fixtures.

6 (7) Any other external or internal feature requested at a
7 reasonable time by the buyer that is reasonably available and
8 reasonably feasible to install or construct and makes the residence
9 more usable for a person with disabilities in order to accommodate
10 any type of disability.

11 (c) For each feature on the list required by subdivision ~~(a)~~ (b),
12 the developer shall indicate whether the feature is standard,
13 limited, optional, or not available.

14 ~~(c)~~

15 (d) If a developer chooses to offer those features listed in
16 subdivision ~~(a)~~ (b) as modifications that may be made to a home,
17 the developer shall indicate on the list required by subdivision ~~(a)~~
18 (b) at what point in the construction process the buyer must notify
19 the developer that the buyer wishes to purchase the features.

20 ~~(d)~~

21 (e) If a local jurisdiction adopts a model ordinance developed
22 pursuant to Section 17959 that requires developers to provide
23 standard or optional accessibility features in homes described in
24 subdivision ~~(a)~~ (b), a developer subject to that ordinance is
25 required to include on the list required by subdivision ~~(a)~~ (b) only
26 those features beyond those required by the ordinance.

27 ~~(e)~~

28 (f) Nothing in this section shall be construed to require a
29 developer to provide the features listed in subdivision ~~(a)~~ (b)
30 during the construction process or at any other time, *unless the*
31 *developer has offered to provide a feature and the buyer has*
32 *requested it and agreed to provide payment.*

33 ~~(f)~~

34 (g) Any willful violation by a developer of this section shall be
35 punishable by a civil penalty of five hundred dollars (\$500).

36 ~~(g)~~

37 (h) *The department may adopt regulations that it determines*
38 *are necessary and appropriate for the use and enforcement of this*
39 *section. The regulations may include, but not be limited to,*
40 *providing specificity to any features not otherwise covered as*

1 *mandatory features in Chapter 11A or 11B of the California*
2 *Building Code, additional mandatory requirements for forms, and*
3 *additional procedures for offer or acceptance of features. The*
4 *department may develop, certify, and make available a standard*
5 *form providing the information required by this section, except for*
6 *costs, and that standard form shall be exempt from adoption*
7 *pursuant to the Administrative Procedure Act (Chapter 3.5*
8 *(commencing with Section 11340) of Part 1 of Division 3 of Title*
9 *2 of the Government Code). A developer's use of a form*
10 *substantially the same as that developed and distributed by the*
11 *department shall be deemed to comply with this section.*

12 (i) Pursuant to Section 17959, upon adoption by the department
13 of guidelines or a model ordinance that defines those features
14 deemed to provide universal accessibility, those guidelines or that
15 model ordinance shall supersede the features listed in subdivision
16 ~~(a)~~ (b).

17 (j) *This section shall not be construed to require action by the*
18 *California Building Standards Commission pursuant to the*
19 *California Building Standards Law (Part 2.5 (commencing with*
20 *Section 18901) of Division 13 of the Health and Safety Code).*

21 SEC. 2. No reimbursement is required by this act pursuant to
22 Section 6 of Article XIII B of the California Constitution because
23 the only costs that may be incurred by a local agency or school
24 district will be incurred because this act creates a new crime or
25 infraction, eliminates a crime or infraction, or changes the penalty
26 for a crime or infraction, within the meaning of Section 17556 of
27 the Government Code, or changes the definition of a crime within
28 the meaning of Section 6 of Article XIII B of the California
29 Constitution.

